

Bill No. 7-04
Concerning: Off-the-road Motorcycles—
Registration and Operation
Revised: _____ Draft No. 1
Introduced: March 16, 2004
Expires: September 16, 2005
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Praisner

AN ACT to:

- (1) require an owner of an off-the-road motorcycle to register the vehicle with the County Executive or a designee;
- (2) require an operator of an off-the-road motorcycle to wear safety equipment when operating the vehicle;
- (3) impose restrictions on an operator of an off-the-road motorcycle;
- (4) provide penalties for failure to register an off-the-road motorcycle or commit an act in violation of this Chapter; and
- (5) generally create the law governing an off-the-road motorcycle.

By adding

Montgomery County Code
Chapter 7A, Off-the-road motorcycles
Sections 1-7

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Chapter 7A is added as follows:**

2 **7A-1. Definitions.** In this Section:

3 **Off-the-road motorcycle** means a motor vehicle that:

- 4 (a) has a saddle or seat for use of the rider;
5 (b) is designed to travel on two or more wheels in contact with the ground;
6 (c) is designed generally for use off public roads; and
7 (d) is not subject to registration requirements under the Maryland Vehicle
8 Law.

9 **Operate** means exercising physical control over the speed or direction of, or
10 physically manipulating or activating any controls of an off-the-road motorcycle.

11 **Operator** means a person who operates, who is responsible for the operation
12 of, or who is supervising the operation of, an off-the-road motorcycle.

13 **7A-2. Registration.**

- 14 (a) An owner of an off-the-road motorcycle must register the vehicle by:
15 (1) completing a registration form provided by the County Executive
16 or a designee;
17 (2) presenting a bill of sale; and
18 (3) paying a registration fee.
19 (b) The County Executive or a designee must issue a County registration
20 tag to a resident who completes the registration process. Each
21 registration tag must be attached to the back of an off-the-road
22 motorcycle and is not transferable.
23 (c) The County Executive or a designee must refuse to issue a registration
24 tag if:
25 (1) the application is not complete;
26 (2) the required fee has not been paid;
27 (3) the application contains false information; or

(4) the applicant has previously forfeited an off-the-road motorcycle under this Chapter.

7A-3. Equipment for riders.

An operator must wear the following safety equipment when operating an off-the-road motorcycle:

- (1) a helmet that meets safety standards set by regulation; and
- (2) an eye protective device, unless the vehicle is equipped with a windscreen.

7A-4. Driving restrictions.

(a) An operator must not operate an off-the-road motorcycle on County property without written permission of the County Executive or a designee, except for County employees or agents of the County performing work or services on behalf of the County.

(b) An operator must not operate an off-the-road motorcycle on private property unless:

- (1) the operator wears the required safety equipment as provided in Section 7A-3;
- (2) the operator has the express written permission of the property owner; and
- (3) the operation is between the hours of 7 a.m. and 8 p.m.

7A-5. Regulations.

(a) The County Executive or a designee may establish regulations to implement this Chapter by method (2).

(b) The County Executive or a designee may set off-the-road motorcycle registration fees by executive regulation under method (3).

7A-6. Enforcement.

- (a) The County Police Department must enforce the requirements of this Chapter. The Maryland-National Capital Park and Planning Commission Police may enforce the requirements of this Chapter on Maryland-National Capital Park and Planning Commission property.
- (b) The County Police Department and the Maryland-National Capital Park and Planning Commission may impound any unregistered off-the-road motorcycle until the vehicle is registered.
- (c) The County Police Department may:
- (1) hold the unregistered off-the-road motorcycle until the vehicle is registered and returned to the owner;
 - (2) donate the off-the-road motorcycle to a non-profit organization that is exempt from taxation under Section 501(c) (3) of the Internal Revenue Code, if reasonable attempts to locate the owner are unsuccessful and 90 days have elapsed from the date of impoundment; or
 - (3) dispose of the off-the-road motorcycle in the manner provided for abandoned motor vehicles in Section 31-63. The net proceeds received from the sale of an impounded or abandoned off-the-road motorcycle must be deposited in the Police Relief and Retirement Fund.

7A-7. Penalty.

A violation of this Chapter is a class C violation.

79 *Approved:*

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Steven A. Silverman, President, County Council	Date
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81 *Approved:*

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Douglas M. Duncan, County Executive	Date
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83 *This is a correct copy of Council action.*

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Mary A. Edgar, CMC, Clerk of the Council	Date
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